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10/506,552	09/02/2004	Takumi Ikeda	MAT-8597US	1680

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EXAMINER	
JUNG, DAVID YIUK	
ART UNIT	PAPER NUMBER
2134	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/506,552	IKEDA, TAKUMI	
	Examiner	Art Unit	
	David Y. Jung	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/12/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2 and 51-101* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2 and 51-101* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 2, 51-101 are presented.

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive. Applicant's arguments seem to be based upon factual errors on crucial issues.

Page 13 of the amendment provides:

Takahashi discloses that when an unauthorized CD-R is set and the drive starts, an authorized signal judging device 10 judges it as an unauthorized disk and a notifying device 11
is initiated to notify a user whether or not the user agrees to bear a royalty. Further, when the
user operates a copyright acceptance processing instruction device 12, an authorization signal
writing device 13 operates to write the authorization signal in the CD-R. (Abstract and drawing
1). Takahashi does not disclose "... judging whether or not to record the content stored in the
content holding unit based on the copyright processing information held by the apparatus-side
information holding unit and the copyright processing information acquired by the medium-side
information acquiring unit," as recited in claim 2.
Thus, Applicants respectfully submit that claim 2 is allowable over the art of record.

Applicant is wrong. Applicant specifically notes the copyright handling of Takahashi and yet Applicant actually asserts that Takahashi does not disclose "... judging whether or not to record the content stored in the content holding unit based on the

copyright processing information held by the apparatus-side information holding unit and the copyright processing information acquired by the medium-side information acquiring unit," as recited in claim 2. Takahashi, as Applicant noted, discloses judging the content copyright information. The teaching necessarily involves noting the content. Because content must be found and noted before any judging can occur, Takahashi suggests the judging based on information from both the apparatus and the medium.

Page 14 of the amendment provides:

Claims 52 and 72 include additional features to those of claim 2 that are patentable over
the prior art, namely:

... the recording judgment unit compares the copyright processing level information recorded on the medium with the copyright processing information held by the apparatus-side information holding unit for permitting the content to be recorded on the medium when a value of the copyright processing information held by the apparatus-side information holding unit has a predetermined relation with a value of the copyright processing level information recorded in the recording medium.

For example, the copyright processing level information recorded on the medium may
indicate that a society which manages music copyright has performed the copyright processing,
and music data (e.g. WAV file) is recorded on the recording medium based on the copyright
processing judging information and the copyright processing level. Data (e.g. movie content),
other than the music data, is judged not to be copyright-processed and cannot be recorded on
the recording medium. (Page 11, lines 11-18). Alternatively, the copyright processing level
information may indicate that authorization from the music copyright society and the movie

copyright society is issued, and the movie and the music can be recorded on the recording
medium. That is, it may judged that copy is OK for only music on a certain recording medium
or copy is OK for the entire content. (Page 11, line 26 to page 12, line 2).

This argument is based upon citing passages of the specification. First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the quoted passage from the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Second, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. Perhaps most importantly, Applicant's arguments are wrong in substance as well. The cited features of the claims 52, 72 are that of copyright level handling. Copyright relates to a legal right; a legal right that inherently has levels. For example, a book may have several copyright levels that relate to different activities (copying, publishing, selling, etc.) and different portions (the picture on cover of the book, the words of the content of the book, etc.). This is also true with contents in a computer. Different activities and different portions and different users all meet different levels. How is the feature (as

cited and argued by Applicant) novel? How is it reasonably different from what would be inherently expected?

Applicant is respectfully requested to provide further amendments, arguments, or other appropriate responses.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 51-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (cited and relied in a previous Office Action).

Regarding claim 2, Takahashi teaches “An information processing apparatus for recording a content on a recording medium, the apparatus comprising: a content holding unit for storing the content; an apparatus-side information holding unit for holding copyright processing information of the information processing apparatus; a medium-side information acquiring unit for acquiring copyright processing information recorded on the recording medium; a recording judgment unit for[ ]; and a content recording unit for recording the content information on the recordinq medium only when the recording judgment unit judges that the content is to be recorded (abstract, copyright …karaoke machine).”

Applicant actually asserts that Takahashi does not disclose "... judging whether or not to record the content stored in the content holding unit based on the copyright processing information held by the apparatus-side information holding unit and the copyright processing information acquired by the medium-side information acquiring unit," as recited in claim 2. Takahashi, as Applicant noted, discloses judging the content copyright information. The teaching necessarily involves noting the content. Because content must be found and noted before any judging can occur, the art of Takahashi suggests the judging based on information from both the apparatus and the medium.

It was well known in the art to judge based on information from both the apparatus and the medium in a situation of audio, visual, or other content for the motivation of judging content after the content has been actually found and noted.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify the teachings of Takahashi for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Claim 52:

The information processing apparatus of claim 2, wherein the apparatus-side information holding unit and the recording medium include a copyright processing level information on their own copyright processing information respectively, wherein the recording judgment unit compares the copyright processing level information recorded on the medium with the copyright processing information held by the apparatus-side

information holding unit for permitting the content to be recorded on the medium when a value of the copyright processing information held by the apparatus-side information holding unit has a predetermined relation with a value of the copyright processing level information recorded in the recording medium.

In the amendment of March 12, 2008 (Page 14 of the amendment) Applicant (in Applicant's attempt to explain the meaning of claim 2) provided an example of how the claimed invention of claim 52 may be used. The copyright processing level information recorded on the medium may indicate that a society which manages music copyright has performed the copyright processing, recording medium. That is, it may judged that copy is OK for only music on a certain recording medium or copy is OK for the entire content. Applicant, through this argument, seems to argue that the copyright processing level as used in claim 52 must be strongly considered. The cited features of claim 52 are that of copyright level handling. Copyright relates to a legal right; a legal right that inherently has levels. For example, a book may have several copyright levels that relate to different activities (copying, publishing, selling, etc.) and different portions (the picture on cover of the book, the words of the content of the book, etc.). This is also true with contents in a computer. Different activities and different portions and different users all meet different levels. How is the feature (as cited and argued by Applicant) novel? How is it reasonably different from what would be inherently expected?

It was well known in the art to have a situation wherein the recording judgment unit compares the copyright processing level information recorded on the medium with

the copyright processing information held by the apparatus-side information holding unit for permitting the content to be recorded on the medium when a value of the copyright processing information held by the apparatus-side information holding unit has a predetermined relation with a value of the copyright processing level information recorded in the recording medium. This (the situation as recited in the previous sentence) is for the motivation of handling copyright processing levels that inherently become important upon different activities and different portions and different users.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify the teachings of Takahashi for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claims 51, 53-70 (reverse proxy, etc.), such particular features are well known in the art for the purpose of handling information across computers.

Claims 71, 72: These claims are analogous (as Applicant noted) to claims 2, 52 respectively. For the reasons noted in the rejection of claims 2, 52, these claims are not patentable.

Claims 73-101: such various copyright information handlings and separately storing the copyright information are well known for the purposes of security (discourage hacking) and disseminating copyright information (so as to inform the user against illegal copying).

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (571) 272-3811.

/David Y Jung/

Acting Examiner of Art Unit 2134

David Jung

David Jung

Patent Examiner

6/12/08